

REMARKS

This Amendment is being filed in response to the Office Action mailed June 27, 2008, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-6 remain in this application, where claim 1 is independent and claims 5-6 have been withdrawn.

Applicant respectfully requests the Examiner to acknowledge the claim for priority and receipt of certified copies of all the priority document(s).

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice.

By means of the present amendment, claims 2-4 have been amended for non-statutory reasons, such as beginning the dependent claims with 'The' instead of 'A'. Such amendments to claims 2-4 were not made in order to address issues of patentability and Applicant respectfully reserves all rights under the Doctrine of

Equivalents.

In the Office Action, restriction is required as between Groups I, II, and III. In the Office Action, Group I, identified to include claims 1-4, is alleged directed towards a shaving apparatus with an offset pivot axis; Group II, identified to include claims 1 and 5, is alleged directed towards a shaving apparatus with a second cutting device; and Group III, identified to include claims 1 and 6, is alleged directed towards a shaving apparatus with a wire spring. The Office Action then goes on to allege that the claims do not relate to a single general inventive concept under PCT Rule 13.1.

This restriction requirement is respectfully traversed.

Election of Species Under Traverse

In response and as a formality merely to comply with 37 C.F.R. §1.143, Applicant hereby preliminarily elects a single identified Group. In particular, and under traverse, Applicant elects Group I, identified as claims 1-4.

Arguments in Support of Traversal of Restriction

MPEP §1850 makes clear that in considering unity of invention under PCT Rules 13.1 and 13.2, prior to recitation of prior art that may affect pending claim scope, (emphasis added) "[u]nity of invention has to be considered in the first place only in relation to the independent claims in an international application and not the dependent claims. By 'dependent' claim is meant a claim which contains all the features of one or more other claims and contains a reference, preferably at the beginning, to the other claim or claims and then states the additional features claimed (PCT Rule 6.4)." By definition, each of the dependent claims share a single general inventive concept with the claims from which each depends and accordingly are excluded from consideration for unity of invention.

Further, PCT Rule 13.4 specifically recites that "it shall be permitted to include in the same international application a reasonable number of dependent claims, claiming specific forms of the invention claimed in an independent claim, even where the features of any dependent claim could be considered as constituting in themselves an invention." (PCT Rule 13.4; emphasis added)

In fact, it is respectfully submitted that the very premise of the identified Groups is flawed in that a simple recitation of a claim feature in open ended claims as presented herein, does not exclude a potential other feature unless those cited features are mutually exclusive. For example, the recitation of "wherein a second toothed cutting device is provided, and wherein the short-hair cutting device is arranged between the two toothed cutting devices," as recited in claim 5, does not exclude an embodiment such as "wherein the spring means comprise a wire spring which has a multiple wound middle section and two leg sections and is arranged with its middle section concentric to the pivot axis," as recited in claim 6.

Since recitation of a feature in the claims as provided in the present patent application does not exclude other features, the claims from the elected Group I pertain, as identified above, to all of claims of the present application.

It is respectfully submitted that the restriction requirement is in error and is not supportable under PCT Rules 13.1 and 13.2 since each of the claims share a single general inventive concept, namely "wherein the pivot axis is arranged offset towards the base

part with respect to the short-hair cutting parts and the rows of cutting teeth in a depth direction of the shaving head, wherein spring means are provided which spring means spring-load the shaving head essentially counter to the depth direction away from the base part and towards a rest position of the shaving head."

Accordingly, it is respectfully requested that the restriction requirement be withdrawn.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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